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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,158	12/17/2001	Carl R. Chapman	A-209	3204
919	7590	04/05/2004	EXAMINER	
PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			PURVIS, SUE A	
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 04/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,158

Applicant(s)

CHAPMAN ET AL.

Examiner

Sue A. Purvis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis et al. (US Patent No. 5,569,327) in view of Hubbard et al. (US Patent No. 5,354,407), DeFigueiredo et al. '048 (US Patent No. 5,156,048), and Hibberd (US Patent No. 5,209,806).

Paradis discloses a mailing machine (1) including an envelope moistener and a sealer. (Figure 1.) Brushes (50) are used to moisten the flap of the envelope. The brushes (50) are positioned in a two portion moistening device with a floating assembly to monitor the amount of fluid in the device. (Col. 3, line 65 through Col. 4, line 7.) The mailing machine (1) includes a frame (46-1, 46-2) for supporting the various components of the moistening apparatus (20). The base (34) is mounted directly onto the frame (46-1, 46-2) and can be easily removed. (Col. 4, lines 53-61.)

Paradis does not disclose using a window for monitoring the amount of fluid in the tank.

The "Background of the Invention" in Paradis discloses that visual observation can be used to ensure the water in the reservoir is above the minimum level if the reservoir tank is transparent or contains a transparent window which allows observation of the water level.

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In addition, even when water is observable, some form of fluid level detection is required to prevent the water level from inadvertently falling below the minimum level. (Col. 1, lines 36-48.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a window in the device is Paradis, because, as taught in therein, it is within the purview of the artisan to have a means for observing the water level as well as another form of fluid detection.

Paradis does not disclose whether the moistening means and sealing means are in the same housing. In the "Background of the Invention," however, Paradis suggests that the moistening means and the sealing means are in typical mail handling machines. (Col. 1, lines 9-17.)

Hubbard discloses an apparatus for moistening and sealing an envelope flap. Hubbard also discloses a well (80) where the moistened pad (70) is held. The well (80) is watertight in order to guide the excess water to the fluid outlet tube (130).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place both the moistening means and the sealing means in a single housing, because it is known in the art to do so as shown by Hubbard and suggested by the prior art introduced in Paradis. Furthermore, having both the moistening and sealing means in the same housing creates a more compact device and prevents the moistened flap from drying before it is pressed into place on the envelope. Regarding the watertight channel, this is taught to be a known feature in an envelope moistening device as shown in Hubbard.

Paradis et al. in view of Hubbard et al. does not disclose having a window located on the housing such that the liquid level is easily observable.

DeFigueiredo et al. '048 relates to an apparatus for automatically moistening envelope flaps and sealing envelopes and teaches that tanks can be placed in apparatus in

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such a manner that visual observation is possible. Alternatively, if the tank is in a location where visual observation is not possible, another form of detection is used. (Col. 1, lines 34-43.) Hibberd discloses an envelope sealing device which includes a visual inspection means or window on the outside of the tank. (Col. 2, lines 6-41.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a window in the housing to allow the user to visually inspect the moistening liquid level, because DeFigueiredo et al. '048 teaches two known alternatives to monitoring the liquid level is to have a visual inspection means on the housing or have an alternative monitoring means. Furthermore, Hibberd demonstrates the use of a window for a visual inspection in an envelope sealing device and the window is located at the apparatus housing.

Regarding claims 10 and 15, both Paradis and Hubbard disclose generally U-shaped cross-sections for their tanks.

Regarding claim 11, Paradis comprises a reservoir made up of two portions, one portion includes wicking material in the form of brushes (50) and the other portion is where the user refills the reservoir (105). (Figures 4 and 5; Col. 5, lines 31-41.)

Regarding claim 12, Paradis teaches the tank is easily removable.

Regarding claims 13 and 14, it is within the purview of the artisan to place the window for checking the level of water on the portion which the user has to refill the water. This allows the user to easily verify if a sufficient amount of water has been added to the reservoir.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis in view of Hubbard, DeFigueiredo et al. '048, and Hibberd as applied above, and further in view of DeFigueiredo (US Patent No. 5,674,348).

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Paradis in view of Hubbard discloses an elongate brush (50) and a brush holder (60). The brush (50) is positioned within a housing (60). The brush (50) is held in position by a tab (58) located on the cover (90). (Col. 4, lines 18-52.)

Paradis in view of Hubbard does not discuss replacing the brush, but does include a tab (58) which holds the brush (50) in position.

DeFigueiredo discloses using a wick (60) which may be replaced simply by lifted guard (68), grasping and withdrawing the wick, inserting a new wick and snapping the guard back into recess (69). (Col. 2, line 50 through Col. 3, line 2.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the brushes in Paradis in view of Hubbard as done in DeFigueiredo, because over a period of time brushes wear out and need to be replaced. While Paradis does not disclose replacing the brush through the opening of the cover, it is within the purview of the artisan to do so, because the brush in Paradis is held in place by a tab. In DeFigueiredo, a guard is removed and then replaced in order to replace the wick, since a tab is used to hold the brush in place, it is within the purview of the artisan to use a flexible tab or a moveable tab to allow the brush to be removed in the device of Paradis.

Response to Arguments

4. Applicant's arguments with respect to claims 6 and 10-16 have been considered but are moot in view of the new grounds of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis
Examiner
Art Unit 1734

SP
March 30, 2004